

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY CLARK,
Plaintiff,

No. C 04-2122 MMC

ORDER OF DISMISSAL

v.

CITY OF ALBANY, et al.,
Defendants

The parties having advised the Court that they have agreed to a settlement of the above-titled action,

IT IS HEREBY ORDERED that said action be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing Order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: May 13, 2005

/s/ Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge